

Chapter 200

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adopted 1/6/99

Sanitary Sewer Policy
by
Nantucket Board of Selectmen
(acting as Board of Public Works)

Preamble

The Town of Nantucket and the Nantucket Planning Board have, over the last several decades, adhered to an unwritten policy that resulted in the construction, operation and ownership of sanitary sewer systems either within public or private rights-of-way. In some instances, this has caused the Town to lose control of a logical methodology for extension of sanitary sewers. This policy has also made it possible for the creation of the equivalent of privately owned "mini-sewer authorities" which have the power to exact fees or deny connection. The Town has, accordingly, lost some control over decisions relating to extension of the public system and as a result, the power to guide or direct growth in accordance with publicly endorsed policies.

With the past policy, the Town has permitted the extension of low-capacity private force mains for multiple lots, sometimes without regard for future extension policy.

Revised Policy

It is hereby the policy of the Town of Nantucket that extension of sanitary sewers, the reconstruction of existing systems, and the construction of related improvements such as pumping station, shall be built to the standards and specifications of the town, and shall be dedicated and accepted as public facilities. It is also the policy of the Town to pass on to the private sector, the cost of engineering, construction and acceptance testing of these facilities through betterment assessments or other means, to the extent allowed by law, and in consideration of issues of equity and fairness. Notwithstanding the above, the Town may choose to fund, through general revenue bonds or revenue bonds, improvements or extension of the public sanitary sewer system, in accordance with the Comprehensive Wastewater Management Plan (CWMP).

More specifically, the following policies shall apply:

Comprehensive Wastewater Management Plan

It is the policy of the Town that all decisions by the Town pertaining to the extension of sanitary sewers, the allowance of private sewer connections, or the construction of related facilities, shall be in accordance with the CWMP, at such time as it is duly adopted by the Nantucket Board of Public Works. In the interim, pending adoption of the CWMP, the existing standards and specification of the Town and the provisions of this policy shall govern.

Specific Policies Pertaining to Existing Sanitary Sewers

Existing Private Sanitary Sewers

It is the policy of the Town to acquire those existing systems which have been designed and constructed with additional capacity to accommodate future growth in accordance with the CWMP, and which meet the standards and specifications of the Town.

Existing Public Sanitary Sewers

It is the policy of the Town that public sewers will be maintained and upgraded in accordance with the CWMP.

Specific Policies Pertaining to New Sanitary Sewer Improvements

It is the request of the Board of Selectmen that any permitting or regulatory agency (including, but not limited to; the Department of Public Works, the Planning Board and Zoning Board) with the legal authority to approve, require construction of, and/or accept new or upgraded sanitary sewers shall do so in accordance with the standards and specifications of the Town, and with the CWMP. Further, it is the policy of the Town that such facilities are duly dedicated for public use, unless otherwise determined by the Board of Public Works, to be an extraordinary circumstance.

Policy Applicable to Service Connections

It is the policy of the Town that all private service connections shall be made within the "Limits of Adjacency" of the public sewer system. The only alternative to lengthy individual service connections extending from an existing public sewer shall be a public sewer construction in accordance with the standards and specifications of the Town. The Board of Public Works shall define "Limits of Adjacency".

Extraordinary Circumstances

It is the policy of the Town that the Board of Public works, after public hearing, may permit exception to these policies in cases of extraordinary circumstances and when deemed to be in the best interest of the Town. In general terms, "extraordinary circumstances" shall include, but may not be limited to, the following:

1. Service to a lot or small cluster of lots on a private road, when it is deemed to be impractical to extend a public sewer, and the service of which, in all other respects, complies with the CWMP.
2. Service to a use, which, in the opinion of the Board of Public Works, provides a substantial public benefit to the community, and which cannot be feasibly served by the public sewer system.
3. Service to a developed area, when it has been determined by the Board of Health that extension of sewers are required to insure the health and safety of the community.

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[HISTORY: Article I adopted 9/17/75; Article II adopted 7/11/84; Article III adopted 12/14/88; Article IV adopted 5/4/88; Article V adopted 1/10/90; Article VI adopted 3/28/90; Article VII adopted 3/19/97. Amendments noted where applicable.]

ARTICLE I
Wastewater Systems Regulations Governing
the Use of Common Sewers
[Adopted 9/17/75; amended 8/10/88;
amended 6/19/91; amended 3/3/93]

Notes: - Under the authority of MGL Ch. 83, s. 10.

200-1 Definitions.

Unless the context specifically indicates otherwise, the meaning of the terms used in this regulation shall be as follows:

BOD - (denoting Biochemical Oxygen Demand) shall mean the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five (5) days at 20 degrees C., expressed in milligrams per liter.

BUILDING DRAIN - shall mean that part of the lowest horizontal piping of a drainage system which receives the discharge from soil, waste, and other drainage pipes inside the walls of the building and conveys it to the building sewer, beginning five (5) feet (1.5 meters) outside the inner face of the building wall.

BUILDING SEWER - shall mean the extension from the building drain to the public sewer or other place of disposal.

COMBINED SEWER - shall mean a sewer receiving both surface runoff and sewage.

GARBAGE - shall mean solid wastes from the domestic and commercial preparation, cooking, and dispensing of food, and from the handling, storage, and sale of produce.

NATURAL OUTLET - shall mean any outlet into a watercourse, pond, ditch, lake, or other body of surface or groundwater.

PERSON - shall mean any individual, firm, company, association, society, corporation, or group.

pH - shall mean the logarithm of the reciprocal of the weight of hydrogen ions in grams per liter of solution.

PROPERLY SHREDDED GARBAGE - shall mean the wastes from the preparation, cooking, and dispensing of food that have been shredded to such a degree that all particles will be carried freely under the flow conditions normally prevailing in public sewers, with no particle greater than one-half (1/2) inch (1.27 centimeters) in any dimension.

PUBLIC SEWER - shall mean a sewer in which all owners of abutting properties have common rights, and is controlled by public authority.

SANITARY SEWER - shall mean a sewer which carries sewage and to which storm, surface, and groundwaters are not intentionally admitted.

SEPTAGE - shall mean that material removed from any part of an individual sewage disposal system. [Added March 3, 1993]

SEWAGE - shall mean a combination of the water-carried wastes from residences, business buildings, institutions, and industrial establishments, together with such ground, surface, and stormwaters as may be present.

SEWAGE TREATMENT PLANT - shall mean any arrangement of devices and structures used for treating sewage.

SEWAGE WORKS - shall mean all facilities for collecting, pumping, treating, and disposing of sewage.

SEWER - shall mean a pipe or conduit for carrying sewage.

SEWER COMMISSIONERS - shall mean the Sewer Commissioners of the Town of Nantucket, or their authorized designee, agent or representative. [Added August 10, 1988]

SHALL - is mandatory; **MAY** - is permissive.

SLUG - shall mean any discharge of water, sewage, or industrial waste which in concentration of any given constituent or in quantity of flow exceeds for any period of duration longer than fifteen (15) times the average twenty-four (24) hour concentration or flows during normal operation.

STORM DRAIN - (sometimes termed "STORM SEWER") shall mean a sewer which carries storm and surface waters and drainage, but excludes sewage and industrial wastes, other than unpolluted cooling water.

SUPERINTENDENT - shall mean the Superintendent of the Department of Public Works of the Town of Nantucket, or his authorized deputy, agent, or representative.

SUSPENDED SOLIDS - shall mean solids that either float on the surface or, are in suspension in water, sewage, or other liquids, and which are removable by laboratory filtering.

TOWN - shall, for the purposes of these regulations, mean any area in the County of Nantucket served by a public sewer system.

TREASURER - shall mean the Treasurer of the Town of Nantucket. [Added August 10, 1988]

WASTES - shall be classified as follows:

INDUSTRIAL WASTES - shall mean any water carried or liquid waste resulting from any process of industry, manufacture, trade, or business, or from the development or recovery of any natural resource. [Amended March 3, 1993]

COMMERCIAL WASTES - shall mean the water carried wastes from nonmanufacturing establishments such as hotels, restaurants, stores, and places of business.

RESIDENTIAL WASTES - shall mean the water carried wastes from private dwellings.

WATERCOURSE - shall mean a channel in which a flow of water occurs, either continuously or intermittently.

200-2 Building Sewers and Connections [Amended September 29, 1993]

A. No unauthorized person shall uncover, make any connections with or opening into, use alter, or disturb any public sewer or appurtenance thereof without first obtaining a written permit from the Superintendent. Any person proposing a new discharge into the system or a substantial change in the volume or character of pollutants that are being discharged into the system shall notify the Superintendent no less than forty-five days prior to the proposed change or connection.

B. All costs and expense incident to the installation and connection of the building sewer shall be borne by the owner, who shall make his own arrangements with a contractor approved and licensed (installer's permit) by the Board of Health, Town and County of Nantucket. The contractor shall do all cutting, patching, excavation, backfill, furnishing and installing pipe and making connection required. The owner shall indemnify the Town from any loss or damage that may directly or indirectly be occasioned by the installation of the building sewer.

C. A separate and independent building sewer shall be provided for every building; except where one building stands at the rear of another on an interior lot and no private sewer is available or can be constructed to the rear building through an adjoining alley, court, yard or driveway, the building sewer from the front building may be extended to the rear building and the whole considered as one building sewer. Approval of the Superintendent and the plumbing inspector is required for this exception.

D. Old building sewers may be used in connection with new buildings only when they are found, on examination and test by the Superintendent, to meet all requirements of this regulation.

E. Whenever possible, the building sewer shall be brought to the building at an elevation below the basement floor. In all buildings in which any building drain is too low to permit gravity flow to the public sewer, sanitary sewage carried by such building drain shall be lifted by an approved means and discharged to the building sewer. Exceptions will require a special permit upon submittal of approved plan.

F. No person shall make connection of roof downspouts, exterior foundation drains, areaway drains, or other sources of surface runoff or ground water to a building directly or indirectly to a public sanitary sewer.

G. The connection of the building sewer into the public sewer shall conform to the requirements of the building and plumbing code or other applicable rules and regulations of the Town, or the procedures set forth in appropriate specifications of the A.S.T.M. and the W.P.C.F. Manual of Practice No. 9. All such connections shall be made gastight and watertight. Any deviation from the prescribed procedures and materials must be approved by the Superintendent before installation.

H. The applicant for the building sewer permit shall notify the Superintendent when the building sewer is ready for inspection and connection to the public sewer. The connection shall be made by the applicant's contractor under the supervision of the Superintendent or his representative. Excavations shall not be closed until inspection is made.

I. All excavations for building sewer installation shall be adequately guarded with barricades, and lights so as to protect the public from hazard. Streets, sidewalks, parkways, and other public property disturbed in the course of work shall be restored in a manner satisfactory to the Town. Street opening permits must be obtained from the Department of Public Works prior to starting any work.

J. Prior to connection with a public sewer or the issuance of building sewer permits, pursuant to section 200-2A, the Superintendent (unless other designee named by the Sewer Commissioners) may, on receipt of written application, authorize design review of plans and specifications and inspection of construction for a privately designed and constructed sewer. Any such review and/or inspection undertaken shall not relieve any party from any of the obligations arising under these regulations, as now in force or as may be amended from time to time, or any other obligations under applicable federal or state laws, rules or regulations. Nor shall any such review or inspection constitute any waiver by the Town of its rights and privileges under said regulations, laws or rules.
[Added August 10, 1988]

K. All costs and expense incident to any design review and/or inspection under section 200-2J shall be borne by applicant therefor. Applicant will indemnify and hold harmless the Town and all of its agents and employees of and from all of the costs and expenses incurred incident to such review, inspection and work relating thereto, including any professional, engineering and legal fees incurred. No such inspection or review under said section 200-2J shall be undertaken unless the applicant therefor shall deposit with the Treasurer an amount determined by the Superintendent (or other designee named by the Sewer Commissioners) as sufficient to cover all the costs of engineering, legal or other professional review and/or inspection. The account shall be administered and maintained as provided in section 200-2L. [Added August 10, 1988]

L. With respect to any account established pursuant to section 200-2K the Treasurer shall pay invoices pursuant to direction of the Superintendent (or other designee named by the Sewer Commissioners), who shall not direct any payment unless the Town gives 14 days notice (including a copy of such invoice) to the applicant. The balance of the account shall at no time until completion, be less than one-half the initial deposit, and applicant shall deposit with the Treasurer such additional funds as are required to restore the account to the amount of the initial deposit upon notice from the Town that the amount on deposit has been decreased by the expenditures described below to an amount at or near one-half the initial deposit. The account shall be closed and the remaining funds returned to applicant when, in the opinion of the Superintendent (or other designee named by the Sewer Commissioners), all work required and any subsequently approved modifications including all inspections required, have been completed. All notices herein shall be by first class mail. [Added August 10, 1988]

200-3 Use of the Public Sewers

A. No person shall discharge or cause to be discharged any stormwater, surface water, groundwater, roof runoff, subsurface drainage, uncontaminated cooling water, or unpolluted industrial process waters to any sanitary sewer.

B. Stormwater and all other unpolluted drainage shall be discharged to such sewers as are specifically designated as combined sewers or storm sewers, or to a natural outlet approved by the Superintendent. Industrial cooling water or unpolluted process waters may be discharged, on approval of the Superintendent, to a storm sewer, combined sewer, or natural outlet.

C. No person shall discharge or cause to be discharged any of the following described waters or wastes to any public sewers:

- 1) Any gasoline, benzene, naphtha, fuel oil or other flammable or explosive liquid, solid, or gas.

- 2) Any waters or wastes containing toxic or poisonous solids, liquids, or gases in sufficient quantity, either singly or by interaction with other wastes, to injure or interfere with any sewage treatment process, constitute a hazard to humans or animals, create a public nuisance, or create any hazard in the receiving waters of the sewage treatment plant.
- 3) Any waters or wastes having a pH lower than 5.5, or having any other corrosive property capable of causing damage or hazard to structures, equipment, and personnel of the sewage works.
- 4) Solid or viscous substances in quantities or of such size capable of causing obstruction to the flow in sewers, or other interference with the proper operation of the sewage works such as, but not limited to, ashes, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, unground garbage, whole blood, paunch manure, hair and fleshings, entrails and paper dishes, cups, milk containers, etc., either whole or ground by garbage grinders.

D. No person shall discharge or cause to be discharged the following described substances, materials, waters, or wastes if it appears likely in the opinion of the Superintendent that such wastes can harm either the sewers, sewage treatment process, or equipment, have an adverse effect on the receiving stream, or can otherwise endanger life, limb, public property, or constitute a nuisance. In forming his opinion as to the acceptability of these wastes, the Superintendent will give consideration to such factors as the quantities of subject wastes in relation to flows and velocities in the sewers, materials of construction of the sewers, nature of the sewage treatment process, capacity of the sewage treatment plant, degree of treatability of, wastes in the sewage treatment plant, and other pertinent factors.

The substances prohibited are:

- 1) In no case shall heat, heated liquid or vapor be discharged to the sanitary sewer, in such quantities that the temperature at the POTW exceed 104 degrees (40 degrees C.) [Amended March 3, 1993]
- 2) Any water or waste containing fats, wax, grease, or oils, whether emulsified or not, in excess of one hundred (100) mg/l or containing substances which may solidify or become viscous at temperatures between thirty-two (32) and one hundred fifty (150) degrees F. (0 and 65 degrees C.)

- 3) Any garbage that has not been properly shredded. The installation and operation of any garbage grinder equipped with a motor of three-fourths (3/4) horsepower (0.76 hp metric) or greater shall be subject to review and approval of the Superintendent.
- 4) Any waters or wastes containing strong acid iron pickling wastes, or concentrated plating solutions whether neutralized or not.
- 5) Any waters or wastes containing iron, chromium, copper, lead, zinc, and similar objectionable or toxic substances; or wastes exerting an excessive chlorine requirement, to such degree that any such material received in the composite sewage at the sewage treatment works exceeds the limits established by the Superintendent for such materials.
- 6) Any waters or wastes containing phenols or other taste or odor producing substances, in such concentrations exceeding limits which may be established by the Superintendent as necessary, after treatment of the composite sewage to meet the requirements of the State, Federal, or other public agencies or jurisdiction for such discharge to the receiving waters.
- 7) Any radioactive wastes or isotopes of such half-life or concentration as may exceed limits established by the Superintendent in compliance with applicable State or Federal regulations.
- 8) Any waters or wastes having a pH in excess of 9.5
- 9) Materials which exert or cause:
 - a. Unusual concentrations of inert suspended solids (such as, but not limited to, Fullers earth, lime slurries, and lime residues) or of dissolved solids (such as, but not limited to, sodium chloride and sodium sulfate).
 - b. Excessive discoloration (such as, but not limited to, dye wastes and vegetable tanning solutions).
 - c. Unusual BOD, chemical oxygen demand, or chlorine requirements in such quantities as to constitute a significant load on the sewage treatment works.
 - d. Unusual volume of flow or concentration of wastes constituting "slugs" as defined herein.

- 10) Water or wastes containing substances which are not amenable to treatment or reduction by the sewage treatment process employed, or are amenable to treatment only to such degree that the sewage treatment plant effluent cannot meet the requirements of other agencies having jurisdiction over discharge to the receiving waters.

E. If any waters or wastes are discharged, or are proposed to be discharged to the public sewers, which waters contain the substances or possess the characteristics enumerated in section 200-3D, and which in the judgement of the Superintendent, may have a deleterious effect upon the sewage works, processes, equipment, or receiving waters, or which otherwise create a hazard to life or constitute a public nuisance, the Superintendent may:

- 1) Reject the wastes,
- 2) Require pretreatment to an acceptable condition for discharge to the public sewers,
- 3) Require control over the quantities and rate of discharge, and/or
- 4) Require payment to cover the added cost of handling and treating the wastes not covered by existing taxes or sewer charges under the provisions of section 200-3J.

If the Superintendent permits the pretreatment or equalization of waste flows, the design and installation of the plants and equipment shall be subject to the review and approval of the Superintendent, and subject to the requirements of all applicable codes, regulations, and laws.

F. Grease, oil, and sand interceptors and/or standard MDC grease traps shall be provided when, in the opinion of the Superintendent, they are necessary for the proper handling of liquid wastes containing grease in excessive amounts, or any flammable wastes, sand, or other harmful ingredients; except that such interceptors shall not be required for private living quarters or dwelling units. All interceptors shall be of a type and capacity approved by the Superintendent, and shall be located as to be readily and easily accessible for cleaning and inspection.

G. Where preliminary treatment or flow-equalizing facilities are provided for any waters or wastes, they shall be maintained continuously in satisfactory and effective operation by the owner at his expense.

H. When required by the Superintendent, the owner of any property serviced by a building sewer carrying industrial wastes shall install a suitable control manhole together with such necessary meters, and other appurtenances in the building sewer to facilitate observation, sampling, and measurement of the wastes. Such manhole, when required, shall be accessible and safely located, and shall be constructed in accordance with plans approved by the Superintendent. The manhole shall be installed by the owner at his expense, and shall be maintained by him so as to be safe and accessible at all times.

I. All measurements, tests, and analyses of the characteristics of waters and wastes to which reference is made in this regulation shall be determined in accordance with the latest edition of "Standard Methods for the Examination of Water and Wastewater," published by the American Public Health Association, and shall be determined at the control manhole provided, or upon suitable samples taken at said control manhole. In the event that no special manhole has been required, the control manhole shall be considered to be the nearest downstream manhole in the public sewer to the point at which the building sewer is connected. Sampling shall be carried out by customarily accepted methods to reflect the effect of constituents upon the sewage works and to determine the existence of hazards to life, limb, and property. (The particular analyses involved will determine whether a twenty-four (24) hour composite of all outfalls of a premise is appropriate or whether a grab sample or samples should be taken. Normally, but not always, BOD and suspended solids analyses are obtained from 24-hour composite of all outfalls whereas pH's are determined from periodic grab samples.)

- 1) All industries discharging into a public sewer shall perform such monitoring of their discharges as the Superintendent and/or other duly authorized employees of the City or Town may reasonably require, including installation, use, and maintenance of monitoring equipment, keeping records and reporting the results of such monitoring to the Superintendent. Such records shall be made available upon request by the Superintendent to other Agencies having jurisdiction over discharges to the receiving waters.

J. No statement contained in this article shall be construed as preventing any special agreement or Town and County arrangement between the Town of Nantucket and any industrial concern whereby an industrial waste of unusual strength of character may be accepted by the Town and County for treatment, subject to payment therefore by the industrial concern.

200-4 Protection from Damage

A. No unauthorized person shall maliciously, willfully, or negligently break, damage, destroy, uncover, deface, or tamper with any structure, appurtenance, or equipment which is a part of the sewage works. Any person violating this provision shall be subject to immediate arrest under charge of disorderly conduct.

200-5 Powers and Authority of Inspectors

A. The Superintendent and other duly authorized employees of the Town bearing proper credentials and identification shall be permitted to enter all properties for the purposes of inspection, observation, measurement, sampling, and testing in accordance with the provisions of this regulation. The Superintendent or his representatives shall have authority to inquire into any processes including metallurgical, chemical, oil, refining, ceramic, paper, or other industries having a direct bearing on the kind and source of discharge to the sewers or waterways or facilities for wastes treatment.

B. While performing the necessary work on private properties referred to in section 200-5A above, the Superintendent or duly authorized employees of the Town shall observe all safety rules applicable to the premises established by the company and the company shall be held harmless for injury or death to the Town employees and the Town shall indemnify the company against loss or damage to its property by Town employees and against liability asserted against the company and growing out of the gauging and sampling operation, except as such may be caused by negligence or failure of the company to maintain safe conditions as required in section 200-3H.

C. The Superintendent and other duly authorized employees of the Town bearing proper credentials and identification shall be permitted to enter all private properties through which the Town holds a duly negotiated easement for the measurement, sampling, repair, and maintenance of any portion of the sewage works lying within said easement. All entry and subsequent work, if any, on said easement, shall be done in full accordance with the terms of the duly negotiated easement pertaining to the private property involved. Standard easements shall be ten (10') feet plus ten (10') working space totalling twenty (20') feet, or ten (10') feet plus twenty (20') feet working space totaling (30') feet.

200-6 Penalties.

A. Any person found to be violating any provision of this regulation except section 200-4 shall be served by the Town with written notice stating the nature of the violation and providing a reasonable time limit for the satisfactory correction thereof. The offender shall, within the period of time stated in such notice, permanently cease all violations.

B. Any person who shall continue any violation beyond the time limit provided for in section 200-4A, shall be fined in the amount not exceeding one hundred dollars (\$100.00) for each violation. Each day in which any such violation shall continue shall be deemed a separate offense.

C. Any person violating any of the provisions of this regulation shall become liable to the Town for any expense, loss, or damage occasioned to the Town by reason of such violation.

200-7 Validity.

A. All regulations or parts of regulations in conflict herewith are hereby repealed.

B. The invalidity of any section, clause, sentence, or provision of this regulation shall not effect the validity of any other part of this regulation which can be given effect without such invalid part or parts.

200-8 Regulation in Force

A. This regulation shall be in full force and effect from and after its passage, approval, recording and publication as provided by law.

B. Passed and adopted by the Board of Selectmen of the Town of Nantucket, State of Massachusetts, on the 260th day of 1975.

200-9 Septic Tank Waste [Added June 19, 1991]

A. The Superintendent of the Department of Public Works shall determine, assign and maintain a facility for the discharge of septic tank waste to the sewerage collection system or treatment works of the Town of Nantucket. Such facility shall be the only point allowed for the discharge of septic tank waste and its use shall be governed by the following:

- 1) Only carriers licensed by the Board of Health and approved by the Board of Selectmen may discharge septage at the treatment facility.
- 2) Septic tank waste which does not meet the parameters established for sewerage in the regulations will not be accepted.
- 3) Discharge of septic tank waste is limited to the hours of normal operations for the Wastewater Treatment Facility; Monday through Friday from 7:00 AM to 3:30 PM unless otherwise arranged with the Chief Operator and approved by the D.P.W. Superintendent.
- 4) The pumping, hauling, discharge of septic tank waste shall be in accordance with the Commonwealth of Massachusetts Sanitary Code.
- 5) The fee for discharge of septic tank waste at the treatment facility shall be as follows:

0 - 500 gallons =	\$15.00
501 - 1000 gallons =	\$30.00
1001 - 1500 gallons =	\$45.00
1501 - 2000 gallons =	\$60.00
2001 - 2500 gallons =	\$75.00

- 6) All septage waste must be tested for pH to determine compliance with existing Sewer Regulations. The Chief Operator must be notified before industrial or commercial loads are discharged.
- 7) Haulers must provide the origin of the septic waste.
- 8) Clean up of discharge area is required.
- 9) Failure of the carrier to comply with these regulations, including failure to make payments as required shall be cause for the Board of Selectmen to revoke its permit to discharge at the facility.

ARTICLE II
Sewer User Fees
[Adopted 7/11/84; amended 3/24/93; amended 11/2/94;
amended 12/3/97]

- Notes:
- Under the authority of MGL Ch. 83, s. 16.
 - See also Chapter 41 of the Code of the Town of Nantucket.

200-10 Definitions.

EQR - shall be defined as "equivalent residential unit" as set forth in the Table in section 200-14 of this Regulation.

OPERATING & MAINTENANCE COSTS (O & M) - means all costs incurred by the Town of Nantucket in operating and maintaining the sewage collection, conveyance, and treatment facilities. Such costs shall include, but not be limited to, labor, labor overhead and administration, electrical power, repairs, equipment replacement, general maintenance, chemicals, building operating costs, vehicle operation and depreciation, and operating laboratory and monitoring programs. Such costs shall not include additional costs of sewage collection, conveyance, and treatment imposed upon the system by a particular user or users and where such costs are separately assessed pursuant to section 200-12.

RESIDENTIAL AND GENERAL COMMERCIAL USERS - means all residential and commercial land use activities connected to the Nantucket Sewage System which introduce no more than the equivalent of 25,000 gallons per day of domestic sanitary wastes to the treatment works.

SPECIAL USERS - means all land use activities connected to the Nantucket Sewage System which introduce more than the equivalent of 25,000 gallons per day of domestic sanitary wastes to the treatment works based on a combination of volume, strength and toxic waste factors.

200-11 Schedule of Rates - Residential and General Commercial Users.

The sewage system fee shall be based on the annual O & M costs of the sewer system attributable to each residential and general commercial user. It shall be calculated annually by using the following formula:

$$\frac{C}{A} \times B = F$$

Where: C = Annual O & M Costs
 A = Total Number of EQRs in the sewage system
 B = Individual customer EQR
 F = Sewage System User Fee

The EQR for each user shall be determined from the EQR user schedule presented in Exhibit 1 per section 200-14.

200-12 Special Charges.

The Board of Public Works shall enact special charges for "Special Users" including high strength industrial wastes, special difficult to handle wastes, septage tank pumpings, and other special wastes that reflect the added O & M cost of handling these materials.

200-13 Determination of Annual O & M Costs.

Each year the Superintendent of Public Works shall prepare a budget of O & M costs required for the proper operation and maintenance of the Nantucket sewage collection, conveyance and treatment facilities. This budget shall be prepared and submitted to the Board of Public Works and the Finance Committee at the same time as annual budgets are prepared for other Town operations generally.

The Superintendent of Public Works shall maintain a separate cost accounting system for the sewer system from that maintained for the Department's other operations. The fiscal year for the sewer system operations shall be the same as that of the Town. [Amended September 29, 1993]

The required total user charges to be recovered from all categories of users during each fiscal year shall be determined by subtracting any estimated residual O & M funds left over in the current year budget from the amount to be adopted for the following year. If estimated O & M costs for the current year exceed projected user fee revenues, then the deficit shall be added to the following year's budget.

200-14 Determination of the User EQR

Each residential and general commercial user shall be assigned an Equivalent Residential User Unit (EQR). This shall be based on the summer recreational season flow contribution potential of this user.

One (1) BQR is the sewage contribution potential of a single-family detached residence which contributes an estimated three hundred (300) gallons per day of sewage flow. Exhibit 1 presents the basis for determination of BQR factors for the various categories of sewer system users.

200-15 Bills for Sewage Services.

Charges for sewage services shall be billed to each customer in a minimum of semiannual installments to the extent possible, quarterly bills coinciding with the Water Company meter readings may be implemented. [Amended September 29, 1993]

Bill is considered delinquent thirty (30) days after mailing date. Delinquent notice sent fifteen (15) days thereafter. Sixty (60) days after mailing date a 1.5% interest charge per month on any outstanding balance more than thirty (30) days in arrears will be assessed. [Added September 29, 1993]

Payment in full of any outstanding balance must be made prior to Utility Billing Appeals Board Hearing. [Added September 29, 1993]

Residential property owners over the age of sixty-five (65) are permitted to make periodic payments of the bill provided that the bill is paid within one year following issuance. There shall be no interest charged or demand notices sent during this period. [Added September 29, 1993]

If a sewer bill shows an obvious accounting or classification error, the DPW Director may allow an adjustment of the bill without prior payment. [Added September 29, 1993]

The Board of Public Works may alter the formulas contained in section 200-11 above for the purpose of computing a customer's annual charges where, because of special circumstances surrounding that customer's sewage use, application of said formulas would be inequitable or would not result in charges substantially related to the cost to the Town of providing sewer services to the customer.

200-16 Severability Clause.

If any provision of these regulations or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of these regulations which can be given effect without such invalid provisions or applications.

200-17 Effective date.

The effective date of initiation of the Sewage User Fee System shall be November 1, 1984. User fee bills shall be sent to all sewer system users in Nantucket Center and Siasconset.
[Amended September 29, 1993]

200-18 Utility Fees Appeal Process. [Added September 29, 1993]

Requests for a reduction in the amount billed will follow the process shown in the flow chart and accompanying forms shown in exhibit 2 of Article III. User fees must be paid no later than thirty (30) days from the date of billing; any abatement authorized will later be returned to the applicant. Requests for abatements must be filed no later than thirty (30) days from the date of billing.

A request received on the APPLICATION FOR ABATEMENT FORM will be checked for a billing error, either a classification issue (reviewed by the Assessor) or a non-classification issue. If there is an obvious error, the Superintendent of Public Works can authorize the proper abatement, otherwise, the Superintendent of Public Works shall send a letter with the reason of disapproval to the applicant, which can then be appealed within thirty (30) days from the date of disapproval to the Utility Billing Appeals Board.

The Utility Billing Appeals Board shall consist of five members, two to be appointed by the Board of Selectmen as members of the general public and three appointed from their respective departments by the Building Commissioner, the DPW Superintendent and the Director of Municipal Finance. The Board shall make its best efforts to determine if an abatement of the amount billed to the applicant is warranted on the basis of the existence of a hardship; or, the recipient of the user fee charge demonstrates an alternate lawful arrangement for the disposal of recipient's solid waste at a landfill or disposal site other than the Town of Nantucket Landfill. Once the Board has received notice that an appeal is requested of the applicant, it shall make its best efforts to notify the applicant within ten (10) days of the hearing date. The Board shall then record the outcome of its vote and send a letter to the applicant to confirm the decision of the Board. If the appeal has been denied, the applicant will also be sent a denial notice from the Utility Billing Appeals Board. A final appeal from the decision of the Board may be made in writing within thirty (30) days to the Board of Public Works. [Amended December 3, 1997]

Payment in full of any outstanding balance must be made prior to a Utility Billing Appeals Board Hearing.

This Board will hear the applications for hardship and make recommendations to the Board of Public Works for its decision in the matter.

200-18.1 Exemptions. [Added November 2, 1994]

Commencing Fiscal Year 1995, unless otherwise adopted or amended, sewer user fees will not be assessed to properties that have been determined to be exempt from local taxation pursuant to the Town Assessor's records in accordance with Massachusetts General Laws Chapter 59, section 5, clauses 1 through 15 as of July first of each year.

Exhibit 1 - For Non-Metered Sewered Customers [Amended March 24, 1993]

User Fee Residential Equivalents for Land Use Activities.

<u>User Category</u>		<u>Gallons per day</u>	<u>EQRs</u>
<u>Residential Dwellings</u>			
Single-Family	up to 3 bedrooms	300	1.00
	each add'l bdrm	50	0.16
Cottages & Apts.	up to 2 bedrooms	150	0.50
	each add'l bedroom	50	0.16
Boarding Houses	per sleeping room	40	0.13
<u>Commercial Establishments</u>			
Hotels & Motels	per sleeping room	50	0.16
	w/restaurant per seat/day	35	0.12
	w/bar per sea/day	35	0.12
Restaurant, food service establishment, lounge, tavern	per seat	35	0.12
Office Building	per 1,000 sq. ft.	75	0.25
Dry Goods Stores	per 1,000 sq. ft.	50	0.16
Hospital	per bed	200	0.67
Service Station	per island	300	1.00
Church	per 10 seats	30	0.10
Tennis Club	per court	250	0.83
Bowling Alley	per alley	100	0.33
Country Club	dining room per 10 seats	100	0.33
Country Club snack bar or lunch room	per 10 seats	100	0.33

Country Club locker & showers per locker	20	0.10
Barber Shop/Beauty Salon per seat	100	0.33
<u>Other Establishments</u>		
Boarding Schools, Colleges per sleeping room	65	0.22
Nursing Home & Rest Home per room	100	0.33
School, without cafeteria, gymnasium or showers per 10 persons	100	0.33
School, with cafeteria, but not gymnasium or showers per 10 persons	150	0.50
School, with cafeteria, gymnasium or showers per 10 persons	200	0.67

Exhibit 2 - For Metered Sewered Customers [Added March 24, 1993]

All sewerred customers who have a water meter will be based on a base charge of \$90.00 per year plus \$.885 per unit of water consumption.

**ARTICLE III
Landfill User Fees**

[Adopted 12/14/88; amended 1/17/90; amended 8/15/90;
amended 9/2/92; amended 11/4/92; amended 11/2/94;
amended 7/17/96; amended 10/15/97; amended 12/3/97]

- Notes:
- Under the authority of Chapter 91 of the Code of the Town of Nantucket.
 - See also Chapter 42 of the Code of the Town of Nantucket.
 - The 9/2/92 amendment replaced in its entirety the initial regulation adopted on 12/14/88, as amended.

200-19 Landfill User Fee Classifications. [Amended October 15, 1997--original sections 200-19A & 200-19B replaced in their entirety]

A. Landfill User Fee Schedule

Town of Nantucket
Landfill User Fee
Schedule

Property Classification	Fee				
Class I	\$				
Lumber Yards	4,000				
Trucking Terminals	650				
Dockyards	650				
Moorings	200				
Slips	200				
Commercial Warehouses	650				
Automobile Sales	650				
Automobile Repair	650				
Gas Stations	650				
Car Wash	650				
Transportation Garages	650				
Funeral Home	650				
Art Galleries	650				
Movie Theaters	650				
Tennis Clubs without Restaurants	650				
Tennis Clubs with Restaurants	650				
Recreational	650				
Golf Course with Restaurants	650				
Golf Course without Restaurants	650				
Mixed Use Commercial	650				
Class 2A					
Commercial Greenhouses	650				
Hardware Stores	650				
Grocery Stores	6,000				

Following Classifications are Based on sq footage		0-499	500-999	1,000-1,499	1,500 & over	
Store/Shop (based on sq footage)		500	600	700	800	
Retail Condominium		500	600	700	800	
Office Building		500	600	700	800	
Office Condominium		500	600	700	800	
Bank Buildings		500	600	700	800	
Professional Building		500	600	700	800	
Professional Condominium		500	600	700	800	
Class 2B	5,000					
Fast Food						
Class 3	6,000					
Supermarkets	650					
Yacht Clubs						
Following Classifications are Based on occupancy rates		0-24	25-49	50-74	75-99	100 & over
Restaurants		3,000	4,000	5,000	5,000	5,000
Class 4A (w/o restaurants)	650 plus \$100 per room					
Boarding/Rooming Houses	650 plus \$100 per room					
Hotels	650 plus \$100 per room					
Motel Units						
Class 4B (w/ restaurants)	650 plus \$100 per room					
Boarding/Rooming Houses	650 plus \$100 per room					
Hotels	650 plus \$100 per room					
Motels						

Residential		0-1	2	3	4	5
Classifications are based on the number of bedrooms per dwelling						
Single Family Dwellings		100	150	200	250	300
Townhouse		100	150	200	250	300
Two Family Dwellings		100	150	200	250	300
Three Family Dwellings		100	150	200	250	300
Apartments 4 - 8 Units		100	150	200	250	300
Apartments > 8 Units		100	150	200	250	300
Condominiums		100	150	200	250	300
Cooperatives		100	150	200	250	300
Multiple Dwelling Parcels		100	150	200	250	300
Mixed Use (Plus other uses by category) per schedule)		100	150	200	250	300
NON PROFITS						
Private Schools	650					
Hospital Owned Properties	650					
Hospitals	6,000					
Churches	200					
Church Owned Properties	200					
121A Corporations	200					
Housing Authorities	200					
Veterans Organizations	200					

Other Fees						
Tipping Fees						
C&D Waste		200 / ton				
Mixed		100 / ton				
Separated						
Metal		200 / ton				
Mixed		100 / ton				
Separated						
Land Clearing Debris		200 / ton				
Mixed		100 / ton				
Separated						
Appliance Charge		10 /unit				
Commercial Access Fee		1,000 /truck				
Packer/10 Wheel Vehicles		750 /truck				
Single Axle Dump Trucks		500 /truck				
Light Utility Trucks						
Tires		10 /unit				
Truck		5 /unit				
Auto						

B. Building Department: A fee for each new building, addition, demolition or renovation shown in exhibit 1 of this Article as additions to other building fees being charged.

200-20 Bills for Landfill User Fees. [Added September 29, 1993]

Charges for the Landfill User Fee shall be billed to each property owner (or where the property owner is an exempt entity, to the lessee or occupant thereof) in a minimum of semiannual installments.

Bill is considered delinquent thirty (30) days after mailing date. Delinquent notice sent fifteen (15) days thereafter. Sixty (60) days after mailing date a 1.5% interest charge per month on any outstanding balance more than thirty (30) days in arrears will be assessed.

Residential property owners over the age of sixty-five (65) are permitted to make periodic payments of the bill provided that the bill is paid within one year following issuance. There shall be no interest charged or demand notices sent during this period.

If a landfill bill shows an obvious accounting or classification error, the DPW Director may allow an adjustment of the bill without prior payment.

200-21 Utility Fees Appeal Process.

Requests for a reduction in the amount billed will follow the process shown in the flow chart and accompanying forms shown in exhibit 2 of this Article. User fees must be paid no later than thirty (30) days from the date of billing; any abatement authorized will later be returned to the applicant. Requests for abatements must be filed no later than thirty (30) days from the date of billing.

A request received on the APPLICATION FOR ABATEMENT FORM will be checked for a billing error, either a classification issue (reviewed by the Assessor) or a non-classification issue. If there is an obvious error, the Superintendent of Public Works can authorize the proper abatement, otherwise, the Superintendent of Public Works shall send a letter with the reason of disapproval to the applicant, which can then be appealed within thirty (30) days from the date of disapproval to the Utility Billing Appeals Board. [Amended September 29, 1993]

The Utility Billing Appeals Board shall consist of five members, two to be appointed by the Board of Selectmen as members of the general public and three appointed from their respective departments by the Building Commissioner, the DPW Superintendent and the Director of Municipal Finance. The Board shall make its best efforts to determine if an abatement of the amount billed to the applicant is warranted on the basis of the existence of a hardship; or, the recipient of the user fee charge demonstrates an alternate lawful arrangement for the disposal of recipient's solid waste at a landfill or disposal site other than the Town of Nantucket Landfill. Once the Board has received notice that an appeal is requested of the applicant, it shall make its best efforts to notify the applicant within ten (10) days of the hearing date. The Board shall then record the outcome of its vote and send a letter to the applicant to confirm the decision of the Board. If the appeal has been denied, the applicant will also be sent a denial notice from the Utility Billing Appeals Board. A final appeal from the decision of the Board may be made in writing within thirty (30) days to the Board of Public Works. [amended November 4, 1992; amended September 29, 1993; amended December 3, 1997]

Payment in full of any outstanding balance must be made prior to a Utility Billing Appeals Board Hearing. [Added September 29, 1993]

This Board will hear the applications for hardship and make recommendations to the Board of Public Works for its decision in the matter. [Added September 29, 1993]

200-21.1 Exemptions. [Added November 2, 1994]

Commencing Fiscal Year 1995, unless otherwise adopted or amended, landfill user fees will not be assessed to properties that have been determined to be exempt from local taxation pursuant to the Town Assessor's records in accordance with Massachusetts General Laws Chapter 59, section 5, clauses 1 through 15 as of July first of each year.

Exhibit 1.
[Amended July 17, 1996]

Building Department Fee Schedule

RESIDENTIAL

	Per Square Foot
I. New Construction	
A. Dwellings	0.05
1) Additions	0.05
B. Garages	0.05
1) Studio Above	0.05
2) Additions	0.05
C. Accessory Buildings over 150 square feet	0.05
II. Amendments to permits	
A. Major floor plan, structural, etc. changes	0.05

COMMERCIAL

I. New Construction	0.40
II. Additions	0.05
III. Alterations	
A. Major floor plan, structural, etc. changes	0.05
IV. Use Permits Conversion	
A. Use Permit Only, No Alterations up to 500 se	0.10
V. Amendments to Permits	
A. Major floor plan, structural, etc. changes	0.05

Exhibit 2 - Flow Chart and Forms.

FLOW CHART
ABATEMENT REQUESTS

FILES ABATEMENT FORM

NON-CLASSIFICATION ISSUE

CLASSIFICATION ISSUE

REVIEW BY ASSESSOR

REVIEW BY DPW SUPT

ABATEMENT APPROVED

ABATEMENT DISAPPROVED

NOTIFICATION TO APPLICANT

NOTIFICATION TO APPLICANT

ABATEMENT FORM TO COLLECTOR

APPEAL PROCESS

MONTHLY REPORT

APPEAL FORM RECEIVED

REFUND SENT

HEARING DATE SET

END

NOTICE TO APPLICANT

HEARING

APPEAL

GRANTED

NOT GRANTED

NOTIFICATION TO APPLICANT
END

APPLICATION FOR ABATEMENT

DENIAL NOTICE

ARTICLE IV
Sewer Service Connection Regulations
 [Adopted 5/4/88; amended 1/18/89;
 amended 7/26/89; amended 8/17/90]

Notes: - Under the general authority of MGL Ch. 83.

200-22 Introduction.

A. The purpose of this regulation is to establish a fair and equitable method of connecting with the Town of Nantucket Sewer System.

B. Connection fees are to be assessed to recover a portion of the costs of Sewer System improvements.

200-23 Definitions.

In this regulation the following terms, unless a contrary meaning is required by the context or is specifically described, shall have the following meanings. The definitions of buildings and dwellings shall be construed in accordance with the Zoning Bylaw (Chapter 139 of the Code of the Town of Nantucket) which is incorporated herein by reference.

THE NANTUCKET SEWER SYSTEM - All structures, equipment, and processes required to collect, transport and treat the domestic and industrial wastewater on Nantucket Island.

DWELLING - A structure used or intended to be used by one (1) family or household for living, sleeping, cooking and eating.

DWELLING UNIT - A room or enclosed floor space within a dwelling used by or forming a habitable unit for one (1) family with facilities for living, sleeping, cooking and eating. A dwelling may consist of one or more dwelling units.

ACCESSORY APARTMENT - For the purposes of this regulation, an approved Accessory Apartment as defined in the Zoning Bylaws found in Chapter 139 of the Code of the Town of Nantucket, shall not be considered to be a dwelling or a dwelling unit.

COMMERCIAL ESTABLISHMENT - A structure, room, enclosed floor space, or combination of the aforementioned used in the course of providing professional, public and/or private services.

WASTEWATER - The spent water of the community. From the standpoint of source, it may be a combination of the liquid and water-carried wastes from residences, commercial buildings, industrial plants, and institutions.

WASTEWATER FACILITIES - The structures, equipment, and processes required to collect, transport, and treat wastewater and dispose of the effluent.

SUBSTANTIALLY COMPLETE - A structure shall be defined as substantially complete as of the date of issuance of an occupancy permit.

AVAILABILITY OF NANTUCKET SEWER SYSTEM - The Nantucket Sewer System will be deemed to be available to every property within a sewer subdivision or which abuts a way served by such sewers and such availability shall be (a), for active existing sewers, as of the date of adoption of these regulations and (b), for new sewers, as of the date on which such new sewer line has been formally activated by the Town for the collection and pumping of wastewater flow.

EXISTING DWELLING, DWELLING UNIT, and/or COMMERCIAL ESTABLISHMENT - Any such structure as defined in this regulation which is substantially complete prior to the availability of the Nantucket Sewer System.

NEW DWELLING, DWELLING UNIT, PUBLIC and/or COMMERCIAL ESTABLISHMENT - Any such structure as defined in this regulation which is not substantially complete prior to the availability of the Nantucket Sewer System.

CONNECTION TO SEWER - A connection shall exist where any tie-in is made to the Nantucket Sewer System or appurtenance thereof which may now or in the future have the potential to contribute wastewater flow.

200-24 Required Sewer Service Connection; Connection Fee Assessment.

A. It shall be unlawful to construct or repair any privy, privy vault septic tank, cesspool or other facility intended or used for the disposal of wastewater on or for the benefit of property to which the Nantucket Sewer System is available.

B. An application, on forms prescribed by the Board of Health/Board of Public Works, shall be made with respect to each sewer connection required or permitted hereby. Each such application shall be approved, approved subject to further conditions or denied as the Board of Health/Board of Public Works shall determine.

C. Upon the approval of an application for a connection to the Nantucket Sewer System, a connection fee shall be due and payable as set forth.

D. No person shall uncover, make any connections with or opening into, use, alter, or disturb any part of the Nantucket Sewer System or any appurtenance thereto unless an application therefor has been made, approval granted, additional conditions complied with and the connection fee paid, all in accordance with the provisions hereof or unless authorized in writing by the Superintendent of the Department of Public Works.

Any sewer connection made in violation of these regulations shall be disconnected. All costs incurred by the Town in the enforcement of this regulation, including disconnection and enforcement of this regulation, including disconnection and reconnection costs, shall be assessed as an additional connection fee. No reconnection will be allowed until all connection and additional connection fees have been paid.

E. No person shall discharge into the Nantucket Sewer System any substance which tends to interfere with the flow of sewerage or the proper operation of the sewerage system or the treatment and disposal works.

F. The Board of Health/Board of Public Works may impose a civil penalty not to exceed five thousand dollars (\$5,000.00) per day for each violation of these regulations.

G. The Board of Health/Board of Public Works may grant exemptions from these regulations.

200-25 Permits.

A. Action on application. The Superintendent of the Department of Public Works shall examine or cause to be examined all applications for permits and amendments thereto within thirty (30) days after filing. If the application does not conform to applicable sewer regulations and pertinent laws, he shall reject such application in writing. If he is satisfied that the proposed work conforms to the regulations and pertinent laws applicable thereto, he shall issue a permit. If the applicant receives no written answer within such 30 days, the permit shall be deemed denied. [added July 26, 1989]

B. Report to Building Department. The Superintendent of the Department of Public Works shall give to the Building Department of the municipality a copy of each permit issued within thirty (30) days of issuance. Such notice shall state the name of the person to whom the permit was granted and the location of the property (assessor's map and parcel number). [added July 26, 1989]

C. Expiration of permit. Any permit issued shall be deemed abandoned and invalid unless a building permit has been issued for the property within twelve (12) months after its issuance. This permit may be extended for periods not exceeding six (6) months each, but only to the same extent as the related building permit is extended, as may be determined in writing by the Superintendent of the Department of Public Works, with a fifty dollar (\$50.00) renewal fee charged for any such extension of time. [added July 26, 1989]

200-26 Sewer Service Connection Fees.

The Nantucket Sewer System connection fees shall be as follows:

A. For any existing dwelling or existing dwelling unit, where connection to the Nantucket Sewer System is made within five (5) years of its availability, the sewer service connection fee shall be five hundred dollars (\$500.00) per dwelling or dwelling unit.

B. For any existing dwelling or existing dwelling unit not connecting to the Nantucket Sewer System within five (5) years of its availability, the sewer service connection fee shall be two thousand (\$2,000.00) per dwelling or dwelling unit.

C. For any new dwelling or new dwelling unit making connection to the Nantucket Sewer System, the sewer service connection fee shall be two thousand dollars (\$2,000.00) per dwelling or dwelling unit.

D. For all residential dwellings, dwelling units and commercial establishments currently connected to the existing sewer system and operating under an existing Nantucket sewer permit, no sewer service connection fee will be assessed.

E. For all public and/or commercial establishments, the sewer service connection fee shall be determined according to whether the establishment is considered "wet" or "dry"; there will be a Special Category for licensed lodging establishments. The determination of WET and DRY types of establishments will be made by the Board of Health/Board of Public Works based on estimated sewage contributions from such types of establishments. The DRY establishments will be charged a connection fee calculated as the square footage of the establishment times ten cents (\$.10) per square foot, provided that the minimum connection fee shall be Five Hundred Dollars (\$500.00) per unit. The WET establishments will be charged a connection fee calculated as the square footage

of the establishment times one dollar (\$1.00) per square foot, provided that the minimum connection fee shall be Two Thousand Dollars (\$2,000.00) per unit. The licensed lodging establishments include hotels, motels, licensed inns and guest houses; this Special Category will be charged a connection fee at an intermediate rate calculated as the square footage of the establishment times fifty-five cents (\$0.55) per square foot, provided that the minimum connection fee shall be One Thousand Two Hundred and Fifty Dollars (\$1,250.00) per unit. [amended January 18, 1989]

F. Where multiple dwellings or dwelling units exist on a single property, a sewer service connection fee, as defined herein, shall be assessed per dwelling or dwelling unit. This provision shall include all second homes, dwellings converted to multiple dwelling units, and all other multi-family dwellings on a single property or lot.

200-27 Regulation in Force.

This regulation shall be in full force and effect from and after its passage, approval, recording, and publication as provided by law.

200-28 Allocation System for Issuance of Sewer Connection Permits.

A. Effective period. This section shall be in effect only during the period of time the Administrative Order #782 or any Superseding Order (hereinafter collectively referred to as the "Administrative Order") issued by the Department of Environmental Protection or its predecessor organization, Department of Environmental Quality Engineering, remains in effect. [added August 17, 1989]

B. Applications. Application for Sewer Connection Permits shall contain such information and be presented on such forms as the Superintendent of Public Works may from time to time establish, including but not limited to the following: See Exhibit 1 of this Article. [added August 17, 1989]

C. Action on Application. The Superintendent of the Department of Public Works shall examine or cause to be examined all applications for permits and amendments thereto within thirty (30) days after filing. If the application does not conform to applicable sewer regulations and all pertinent laws, he shall reject such application in writing. If he is satisfied that the proposed work conforms to the regulations and pertinent laws applicable thereto and that there exists capacity within the then existing sewerage system to handle the flows applied for, the Superintendent shall cause the

flows applicable to such permit to be deducted from the total available capacity of the appropriate treatment facility (either Surfside or Siasconset). [added August 17, 1989]

D. Required Reports. The Superintendent of Public Works shall present the following reports and shall receive the following reports:

- 1) Report to Building Department: The Superintendent of the Department of Public Works shall give to the Building Department of the Town a copy of each permit issued within thirty (30) days of issuance. Such notice shall state the name of the person to whom the permit was granted, number of bedrooms or applicable Title V (of the State Sanitary Code) estimated flow, and the location of the property (assessor's map and parcel number).
- 2) Report to Division of Water Pollution Control, Department of Environmental Quality Engineering: Each quarter (January, April, July, October) the Superintendent of Public Works shall submit to the Division of Water Pollution Control a list of all permits issued by the Town during the quarter, which includes, the name of the permittee, the address of the sewer connection, the date of the permit issuance, the volume of permitted flow computed by using Flow Estimates contained in Title V (see Exhibit 2) of the State Sanitary Code and incorporated by reference herein and the type of use (i.e. residential or type of nonresidential use).
- 3) Report from Building Department: The Building Commissioner shall give to the Superintendent of Public Works a report which lists the name, address, and location of each building permit issued with an accompanying sewer permit with a date of issuance prior to June 6, 1989. These reports are to be filed with the Superintendent each month. He shall then calculate, or caused to be calculated, the volume of permitted flow for such permits and deduct said volume from the total available capacity of the appropriate treatment facility (either Surfside or Siasconset). [added August 17, 1989]

E. Expansion of Existing Sewer Connection Use. Applications for Building Permits received by the Building Department for remodeling, addition or changes in use of existing structures shall be forwarded by the Building Commissioner or his designee promptly upon receipt to the Superintendent of Public Works. The Superintendent shall calculate the sewage flow (computed by using Flow Estimates contained in Title V of the State Sanitary Code (see Exhibit 2) incorporated by reference herein) for such remodeling, addition or change in use, in

order to determine if flows and said permit is in conformity with an applicable state sewer extension permit. Upon finding sufficient capacity, the Superintendent shall notify the Building Commissioner in writing within ten (10) days that the Building Permit may be issued in conformity with the Administrative Order. Upon a finding of insufficient capacity, the Superintendent shall notify the Building Commissioner in writing within ten (10) days of a lack of capacity and that the Administrative Order restricts or prevents the issuance of the Building Permit. The Building Commissioner is to comply with the Administrative Order. The Superintendent shall deduct all such applicable flows for such issued Building Permits from the total available capacity of the treatment facility to which such sewage is destined (either Surfside or Siasconset). [added August 17, 1989]

F. Expiration of Sewer Connection Permit. Any sewer connection permit issued after adoption of this policy shall be deemed abandoned and invalid unless a building permit has been issued for the property within twelve (12) months after its issuance. However, for cause, one or more extensions of time, for periods not exceeding six (6) months each, may be granted in writing by the Superintendent of Public Works, with a fifty dollar (\$50.00) renewal fee charged for any such extension of time. This regulation shall apply to all sewer connection permits issued after the date of the June 6, 1989 Administrative Order. [added August 17, 1989]

G. Allocation System for Issuance of Sewer Connection Permits. The Superintendent of the Department of Public Works shall, as set forth in section 200-28C, issue sewer connection permits on the basis of First-Come-First-Served. Provided, however, that the permit application is not filed for a lot within an approved subdivision where the issuance of such permit would exceed the Nantucket Zoning (Chapter 139 of the Code of the Town of Nantucket, Zoning Bylaw, as herein incorporated by reference) requirements for phase development within said subdivision. [added August 17, 1989]

Exhibit 1.

INFORMATION NEEDED FOR LOCAL SEWER PERMITS

- I. On a Plot Plan:
 - Size of Sewer line
 - Cleanout Location (unless within the house)
 - Street "Y" or manhole location (distance between adjacent manholes)
 - Elevation difference if possible
 - Length of line

- II. On Sewer Permit Application:
 - Flow estimates for proposed structure using Title V sewage flow estimates (see exhibit 2)
 - Number of Bedrooms
 - Map Number, Parcel Number, Lot Number
 - State Sewer Extension or Connection Permit Name, Number, Date Approved, Number of Residences to be served, Number of Bedrooms, Design Flow-Gallons Per Day (all if applicable)

- III. Check to the TOWN OF NANTUCKET in the amount of \$2,000 for a new residence, or \$500.00 if septic to sewer for residential. Commercial is determined according to whether the establishment is considered "wet" or "dry", as defined in the Sewer Service Connection Regulations of the Town of Nantucket, section 200-26E. The DRY establishments will be charged a connection fee calculated as the square footage of the establishment times ten cent (\$.10) per square foot, provided that the minimum connection fee shall be Five Hundred Dollars (\$500.00). The WET establishments will be charged a connection fee calculated as the square footage of the establishment times one dollar (\$1.00) per square foot, provided that the minimum connection fee shall be Two Thousand Dollars (\$2,000.00).

- IV. Sewer permit applications MUST be signed by the owner of the dwelling. If the owner is not available for signature, a letter with the POWER OF ATTORNEY for the owner's agent to sign in owner absence MUST be received. (Reason for this is CONDITIONS OF THIS PERMIT on the actual sewer permit). Power of Attorney forms can be obtained at the D.P.W. office, Madaket Road, Nantucket, MA.

****NOTE:** Once sewer line is installed, the D.P.W. should be called for an inspection of the sewer line BEFORE connection is cemented. Sewer line is NOT to be covered until inspected. If the connection is not inspected, the Building Permit will NOT be signed.

Exhibit 2.**SEWAGE FLOW ESTIMATES**

Insert page from Title V State Sanitary Code here

7.13: Transfer of Permits

(1) Any sewer system extension or connection permit authorizing an industrial discharge to a sewer system is only valid for the person to whom it is issued, unless transferred pursuant to 314 CMR 7.13(1). Such permits shall be automatically transferred to a new permittee if:

- (a) The current permittee notifies the Director at least 30 days in advance of the proposed transfer date; and
- (b) The notice includes a written agreement between the existing and new permittees containing a specific date for transfer of permit responsibility, coverage, and liability between them.

(2) Any sewer system extension or connection permit not subject to 314 CMR 7.13(1) automatically transfers to a subsequent owner, operator or occupant.

7.14: Signatories to Permit Applications and Reports

All permits, applications, and reports shall be signed as follows:

(1) For a municipality, State, Federal, or other public agency by a principal executive officer, ranking elected official or other duly authorized employee if such employee is responsible for overall operation of the treatment works.

(2) For all other applicants and permittees by a duly authorized representative. An authorized representative may be:

- (a) A principal executive officer of at least the level of vice president for a corporation.
- (b) A general partner or proprietor if for a partnership or sole proprietorship respectively.
- (c) A duly authorized representative of the individual designated in 314 CMR 7.14(2)(a) or (b) if such representative is responsible for the sewer extension or connection and the overall operation of the facility discharging thereto.

7.15: Calculation of Flows

Unless a variance is authorized by the Director in writing, applicants applying for a sewer extension or connection permit shall use the following figures in calculating daily sewage flow in completing the application:

SEWAGE FLOW ESTIMATES:

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Type of Establishment	Gallons per Person per day
Boarding Schools, Colleges	65
Nursing Home and Rest Home	100
School, without cafeteria, gymnasium or showers	10
School, with cafeteria, but not gymnasium or showers	15
School, with cafeteria, gymnasium and showers	20
Swimming Pool	10
Camp, resident - washroom and toilets	25
Camp, resident - mess hall	10
Camp, day - washroom and toilets	10
Camp, day - mess hall	3
Camp Ground - showers and toilets - per site	75
Gymnasium - per spectator	3
Gymnasium - per participant	25
Theater, Auditorium	3
Public Park - toilet wastes only	5
Public Park - bathhouse, showers, and flush toilets	10
Factory or Industrial Plant, without cafeteria	15
Factory of Industrial Plant, with cafeteria	20
Work or Construction Camp	50
	Gallons per Day
Single and multiple dwelling units - Per Bedroom motels, hotels, boarding houses	110
Tennis Club - per court	250
Bowling Alley - per alley	100
Country Club - dining room - per seat	10
Country Club - snack bar or lunch room - per seat	10
Country Club - locker and showers - per locker	20
Church - per seat	3
Church - vestry/kitchen - per person at capacity	5
Trailer, dump station - per site or per trailer	50

Mobile Home Park - per site	200
Office Building - per 1,000 sq. ft.	75
Dry Goods Stores - per 100 sq. ft.	5
Drive-In - per stall	5
Non-single family, Automatic clothes washer per washing machine	400
Hospital - per bed	200
Service Station, excluding thruway - per island	300
Skating Rink - 3,000 gallons per day plus 5 gallons per seat	300
Dog Pounds - Veterinary Clinics - per pen	50
Type of Establishment	Gallons per Seat or Chair per day
Restaurant, food service establishment, lounge, tavern	35
Restaurant, thruway service area	150
Restaurant, kitchen flow	15
Barber Shop/Beauty Salon per chair	100

For purposes of 314 CMR 7.15, a "bedroom" means any portion of a dwelling which is so designed as to furnish the minimum isolation necessary for use as a sleeping area. Such area shall not include kitchen, bathroom, dining room, halls, or unfinished cellar; but may include bedroom, den, study, sewing room, or sleeping loft

ARTICLE V
Biodegradable Packaging Regulations
[Adopted 1/10/90; amended 8/8/90]

- Notes:
- Under the authority of Chapter 91 of the Code of the Town of Nantucket.
 - The effective date of this Article upon its adoption was April 15, 1990.

200-29 Intent of Regulation.

The Town of Nantucket recognizes that discarded packaging constitutes the largest single category of waste within the Town and County of Nantucket's waste stream and is, therefore, a necessary focus of any effort towards reducing the filling of the Town's Landfill as well as towards reducing the economic and environmental costs of waste management.

In addition, the Town finds that discarded non-biodegradable packaging and plastic contained within the waste stream of Nantucket is a fundamental cause of problems associated with solid waste disposal.

The Town understands that the landfill space within the Town and County of Nantucket is diminishing rapidly; that the Department of Environmental Protection (DEP) mandates closure of existing unlined landfills in sensitive groundwater areas by 1993; that solid waste receiving areas outside the Island of Nantucket are becoming increasingly uncertain and expensive; and, that for both economic and environmental reasons, measures to simplify the chemical complexity of solid waste and, thereby streamline solid waste management must be vigorously pursued.

The Town finds that the chemical composition and ability of a substance to biodegrade are meaningful and useful criteria to focus upon when establishing public policy that is intended to improve the management and disposal of solid waste, reduce the cumulative impact of litter, encourage composting and other forms of recycling, and otherwise anticipate environmental problems that may be caused by municipal solid waste disposal programs. The Town also finds and determines that the use of plastics and other non-biodegradable packaging has become widespread throughout the Island and the resulting mixed substance waste stream is a serious impediment to solid waste management programs that are being considered for the Town and County of Nantucket.

The Town further finds that the widespread use of plastics and non-biodegradable packaging poses a threat to the environment on the Island of Nantucket by causing rapid filling of landfill space and by the possible introduction of toxic by-products into the groundwater and general environment of the Island of Nantucket.

The economic and environmental problems associated with the mixed substance waste stream are so severe that a program to incrementally simplify the chemical composition of solid waste, thereby encouraging the composting of putrescible biodegradable wastes and encouraging other forms of recycling of solid waste substances, is a policy goal of the Town of Nantucket.

Certain retail establishments within the Island of Nantucket are points of origin for a substantial volume of packaging waste and, therefore, are particularly susceptible to actions which have significant potential for simplifying the chemical composition of the waste stream.

The Town recognizes that there are readily available paper or biodegradable product substitutes for most of the retail packaging now being used on the Island, the use of which alternatives would be environmentally and economically advantageous to the community of Nantucket.

Therefore, the purpose of this bylaw is to incrementally, to the maximum extent possible, eliminate the use of non-biodegradable packaging originating at retail establishments within the Town and County of Nantucket, in order to protect the air, land, and waters of the Island against environmental contamination and degradation.

200-30 Definitions.

PACKAGING - shall mean all food and retail related wrappings, adhesives, cords, bindings, strings, bags, boxes, containers, portable styrofoam coolers, and disposable or non-reusable plates, cups, or drinking utensils intended for use within the Town and County of Nantucket. [Amended August 8, 1990]

BIODEGRADABLE PACKAGING - shall mean packaging other than plastic or styrofoam.

RETAIL ESTABLISHMENT - shall mean all sales outlets, stores, shops or other places of business located within the Town and County of Nantucket which sell or convey merchandise directly to the ultimate consumer. [Amended August 8, 1990]

RETAIL FOOD ESTABLISHMENT - shall mean all sales outlets, stores, shops, restaurants, clubs or other places of business located within the Town and County of Nantucket which sell, serve or convey foods directly to the ultimate consumer. This definition shall include but is not limited to any place where food is prepared, mixed, cooked, baked, smoked, preserved, bottled, packaged, handled, stored, manufactured, sold or offered to the public; similar places in which food or drink is prepared for sale or service on the premises or elsewhere; and any other establishment